

# HOUSE BILL No. 1112

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2-72.3; IC 9-24; IC 9-27-4-4; IC 9-29-9-2; IC 9-30-3-12; IC 20-19-2-8.

**Synopsis:** Learner's permits and driver's licenses. Raises the minimum age for the issuance of a learner's permit. Raises the minimum age for the issuance of a probationary operator's license. Sets requirements for practice driving before a probationary operator's license can be issued. Prohibits a driver under the age of 18 from operating a motor vehicle while using a handheld device. Revises the period during which certain passengers may accompany a probationary driver. Revises hours when nighttime driving is prohibited by certain probationary drivers. Specifies the periods of validity for an operator's learner permit. Makes it a Class C infraction for a person to be a passenger in a motor vehicle operated by certain probationary drivers under certain circumstances if there is not another individual who: (1) is at least a certain age and holds one of certain types of driver's licenses; or (2) is a certified driver education instructor; present in the front seat of the motor vehicle. Provides that the state board of education and the bureau of motor vehicles shall adopt rules to specify that a school under its jurisdiction may not provide the classroom portion of driver's education instruction to a child less than fifteen (15) years of age. Makes corresponding changes.

**Effective:** Upon passage; July 1, 2008; January 1, 2009.

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January 8, 2008, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1112

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2008]: **Sec. 72.3. "Handheld device", for purposes of**  
4 **IC 9-24-11-3.3, has the meaning set forth in IC 9-24-11-0.5.**

5       SECTION 2. IC 9-24-3-1 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2008]: Sec. 1. Except as otherwise provided in  
7 this article, the bureau shall issue an operator's license to an individual  
8 who meets the following conditions:

9           (1) Satisfies the age requirements described in section 2 of this  
10 chapter.

11           (2) Makes proper application to the bureau under IC 9-24-9 upon  
12 a form prescribed by the bureau. **Effective January 1, 2009, the**  
13 **form must include a verification concerning the number of**  
14 **hours of supervised driving practice that the individual has**  
15 **completed if the individual is required under section 2.5 of**  
16 **this chapter to complete a certain number of hours of**  
17 **supervised driving practice in order to receive an operator's**



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1 **license.**

2 (3) Satisfactorily passes the examination and tests required for  
3 issuance of an operator's license under IC 9-24-10.

4 (4) Pays the fee prescribed by IC 9-29-9.

5 SECTION 3. IC 9-24-3-2, AS AMENDED BY P.L.156-2006,  
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2008]: Sec. 2. Except as provided in section 3 of this chapter,  
8 an individual must meet one (1) of the following conditions to receive  
9 an operator's license:

10 (1) The applicant meets the following conditions:

11 (A) Is at least sixteen (16) years and thirty (30) days of age.

12 (B) Has held a valid learner's permit at least sixty (60) days.

13 (C) Has obtained an instructor's certification that the applicant  
14 has satisfactorily completed an approved driver education  
15 course.

16 (D) Has passed the required examination.

17 (2) The applicant meets the following conditions:

18 (A) Is at least sixteen (16) years and one hundred eighty (180)  
19 days of age.

20 (B) Has held a valid learner's permit for at least sixty (60)  
21 days.

22 (C) Has passed the required examination.

23 (3) The applicant meets the following conditions:

24 (A) Is at least sixteen (16) years and one hundred eighty (180)  
25 days of age.

26 (B) Has, within the past three (3) years, held an Indiana  
27 operator's, chauffeur's, or public passenger chauffeur's license  
28 that has not been suspended or revoked.

29 (C) Passes the required examination.

30 (4) The applicant meets the following conditions:

31 (A) Is at least sixteen (16) years and one hundred eighty (180)  
32 days of age.

33 (B) Has previously been a nonresident of Indiana but who, at  
34 the time of application, qualifies as an Indiana resident.

35 (C) Has held for at least one (1) year an unrevoked operator's,  
36 chauffeur's, or public passenger chauffeur's license in the state,  
37 district, or county in which the applicant has been a resident.

38 (D) Passes the required examination.

39 **This section expires December 31, 2008. The expiration of this**  
40 **section does not affect the validity of an operator's license issued**  
41 **under this section.**

42 SECTION 4. IC 9-24-3-2.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2.5. This section applies beginning January 1, 2009. Except as provided in section 3 of this chapter, an individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive an operator's license:**

**(1) The individual meets the following conditions:**

**(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.**

**(B) Has held a valid learner's permit at least one hundred eighty (180) days.**

**(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.**

**(D) Passes the required examination.**

**(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age.**

**(2) The individual meets the following conditions:**

**(A) Is at least seventeen (17) years of age.**

**(B) Has held a valid learner's permit for at least one hundred eighty (180) days.**

**(C) Passes the required examination.**

**(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age.**

**(3) The individual meets the following conditions:**

**(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.**

**(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.**

**(C) Has held an unrevoked operator's, chauffeur's, or public passenger chauffeur's license for at least one (1) year in the state, district, or county in which the applicant has been a resident.**

**(D) Passes the required examination.**

SECTION 5. IC 9-24-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1. (a) This subsection expires December 31, 2008.** The bureau shall issue a learner's permit to an individual who meets the following conditions:

**(1) Is at least fifteen (15) years of age.**

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(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

(3) Is enrolled in an approved driver education course.

**(b) This subsection applies beginning January 1, 2009. The bureau shall issue a learner's permit to an individual who meets the following conditions:**

**(1) Is at least fifteen (15) years and one hundred eighty (180) days of age.**

**(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.**

**(3) Is enrolled in an approved driver education course.**

SECTION 6. IC 9-24-11-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "handheld device" means an electronic or a digital telecommunications device designed to be operated while being held in the hand.**

SECTION 7. IC 9-24-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) This section applies to a probationary operator's license issued after June 30, 2008.**

**(b) A license issued to, or held by, an individual less than eighteen (18) years of age is a probationary license.**

**(c) An individual holds a probationary license subject to the following conditions:**

**(1) Except as provided in subsection (e), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license.**

**(2) Except as provided in subsection (e), subsequent to one hundred eighty (180) days after issuance of the probationary license, and until the individual reaches eighteen (18) years of age, an individual may not operate a motor vehicle:**

**(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;**

**(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or**

**(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.**

**(3) Except as provided in subsection (f), during the one hundred eighty (180) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:**

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(A) who:

(i) is at least twenty-five (25) years of age; and

(ii) holds a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license issued under this article; or

(B) who is a certified driver education instructor;

is present in the front seat of the motor vehicle.

(4) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has:

(A) a safety belt; or

(B) a child passenger restraint system as required under IC 9-19-11, if the passenger is a child less than sixteen (16) years of age;

properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(d) An individual who holds a probationary license to which this section applies may not operate a motor vehicle while using a handheld device.

(e) An individual may operate a motor vehicle during the period referred to in subsection (c)(1) or (c)(2) if the individual operates the motor vehicle while:

(1) participating in, going to, or returning from:

(A) lawful employment;

(B) a school sanctioned activity; or

(C) a religious event; or

(2) accompanied by a licensed driver at least twenty-five (25) years of age.

(f) An individual subject to this section may operate a motor vehicle and transport:

(1) a child of the individual;

(2) a sibling of the individual; or

(3) a child and a sibling of the individual;

without another accompanying individual present in the motor vehicle.

SECTION 8. IC 9-24-11-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.7. A person may not be a passenger in a motor vehicle operated by an individual who holds a probationary license if the individual's operation of the motor vehicle while the passenger is present in the motor vehicle constitutes a violation of section 3(b)(2) or 3.3(c)(3) of this chapter.**

SECTION 9. IC 9-24-12-0.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) This subsection expires December 31, 2008. A learner's permit issued under this article expires one (1) year after the date of issuance.**

**(b) This subsection applies beginning January 1, 2009. A learner's permit issued under this article expires two (2) years after the date of issuance.**

SECTION 10. IC 9-24-12-1, AS AMENDED BY P.L.184-2007, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) Except as provided in subsections (b) and (d) and section 10 of this chapter, an operator's license issued under this article before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.**

**(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.**

**(c) Except as provided in subsections (b) and (d) and sections 10, 11, and 12 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.**

**(d) A probationary operator's license issued under IC 9-24-11-3 and IC 9-24-11-3.3 expires at midnight of the twenty-first birthday of the holder.**

SECTION 11. IC 9-27-4-4, AS AMENDED BY P.L.2-2007, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4. (a) To establish or operate a commercial driver training school, the school must obtain a license from the bureau in the manner and form prescribed by the bureau.**

**(b) Subject to subsection (c), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a school license, including the following:**

- (1) Location of the school.**
- (2) Equipment required.**
- (3) Courses of instruction.**
- (4) Instructors.**
- (5) Previous records of the school and instructors.**
- (6) Financial statements.**
- (7) Schedule of fees and charges.**
- (8) Character and reputation of the operators and instructors.**
- (9) Insurance in the amount and with the provisions the bureau**

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considers necessary to adequately protect the interests of the public.

(10) Other matters the bureau prescribes for the protection of the public.

(c) The rules adopted under subsection (b) must permit a licensed school to provide classroom training during which an instructor is present in a county outside the county where the school is located to the students of:

- (1) a school corporation (as defined in IC 36-1-2-17);
- (2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-19-2-8;
- (3) a nonpublic secondary school recognized under IC 20-19-2-10;
- (4) a state educational institution; or
- (5) a nonaccredited nonpublic school.

However, the rules must provide that a licensed school may provide classroom training in an entity listed in subdivisions (1) through (3) only if the governing body of the entity approves the delivery of the training to its students.

**(d) The rules adopted under subsection (b) must provide that the classroom training portion of driver education instruction may not be provided to a child less than fifteen (15) years of age.**

SECTION 12. IC 9-29-9-2, AS AMENDED BY P.L.156-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

- (1) less than seventy-five (75) years of age is nine dollars (\$9); and
- (2) at least seventy-five (75) years of age is six dollars (\$6).

(b) After June 30, 2006, the fee for a probationary license issued under ~~IC 9-24-11-3(d)~~ **IC 9-24-11-3(a) or IC 9-24-11-3.3(b)** is six dollars (\$6).

SECTION 13. IC 9-30-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete

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a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 **or IC 9-24-11-3.3** or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

SECTION 14. IC 20-19-2-8, AS ADDED BY P.L.65-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines, other than building, space, and site requirements, for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may

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only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program;

**and provide that the classroom instruction may not be provided to a child less than fifteen (15) years of age.**

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that

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1 apply to nonpublic schools that seek to qualify for the system of  
2 recognition.

3 (10) The establishment and enforcement of standards and  
4 guidelines concerning the safety of students participating in  
5 cheerleading activities.

6 (b) Before final adoption of any rule, the state board shall make a  
7 finding on the estimated fiscal impact that the rule will have on school  
8 corporations.

9 SECTION 15. [EFFECTIVE JANUARY 1, 2009] (a)  
10 **Notwithstanding IC 9-27-4-4, as amended by this act, the bureau**  
11 **of motor vehicles shall carry out the duties imposed upon the**  
12 **bureau of motor vehicles under IC 9-27-4-4, as amended by this**  
13 **act, under interim written guidelines approved by the**  
14 **commissioner of motor vehicles.**

15 (b) This SECTION expires on the earlier of the following:

16 (1) The date rules are adopted under IC 9-27-4-4, as amended  
17 by this act.

18 (2) December 31, 2009.

19 SECTION 16. [EFFECTIVE UPON PASSAGE] (a)  
20 **Notwithstanding IC 20-19-2-8, as amended by this act, the**  
21 **department of education shall carry out the duties imposed upon**  
22 **the department of education under IC 20-19-2-8, as amended by**  
23 **this act, under interim written guidelines approved by the state**  
24 **superintendent of public instruction.**

25 (b) This SECTION expires on the earlier of the following:

26 (1) The date rules are adopted under IC 20-19-2-8, as  
27 amended by this act.

28 (2) December 31, 2009.

29 SECTION 17. An emergency is declared for this act.

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